

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION**

Invander James, Jr.,)	
)	
Petitioner,)	Civil Action No.: 4:05-00096-CWH
)	
vs.)	
)	
United States of America,)	ORDER
)	
Respondent.)	
)	

On January 12, 2005, pursuant to 28 U.S.C. § 2255, the petitioner commenced this pro se action to vacate, set aside, or correct his conviction and sentence. On December 15, 2005, the Court granted the government's motion for summary judgment. On January 17, 2006, the petitioner filed an amended notice of appeal and a motion for reconsideration. On March 24, 2006, the Court denied the motion for reconsideration. On April 6, 2006, the petitioner filed a second motion for reconsideration.

On January 9, 2002, a jury found the petitioner guilty of possession of a firearm in violation of 18 U.S.C. §§ 922(g)(1) and 924(e), the Armed Career Criminal Act. On August 22, 2002, this Court sentenced the petitioner to 235 months imprisonment. On August 13, 2003, the Fourth Circuit court of Appeals affirmed the petitioner's conviction and sentence. On January 12, 2004, the Supreme Court denied James's petition for writ of certiorari.

In interpreting Rule 59(e), the Fourth Circuit Court of Appeals has recognized only "three grounds for amending an earlier judgment: (1) to accommodate an intervening change in controlling law; (2) to account for new evidence not available at trial; or (3) to correct a clear error of law or prevent manifest injustice." Pac. Ins. Co. v. Am. Nat. Fire Ins. Co., 148 F.3d 396,

403 (4th Cir. 1998).

Though the petitioner alleges that this Court has committed a clear error of law, the Court determines that the petitioner merely disagrees with the Court's previous rulings.

The Court therefore denies the petitioner's motion to reconsider. Accordingly, the Court hereby upholds its previous rulings and dismisses this action.

AND IT IS SO ORDERED.

A handwritten signature in black ink, reading "C. Weston Houck". The signature is written in a cursive, flowing style. The "C" is large and loops around the first part of the name. The "Houck" is written with a long, sweeping tail that extends to the right.

**C. WESTON HOUCK
UNITED STATES DISTRICT JUDGE**

April 10, 2006
Charleston, South Carolina